

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Office Action dated August 5, 2004 is respectfully requested. Claims 7, 10, 21, 23, and 47-50 have been allowed. Claims 1-6, 8, 9, 11-20, 22, and 24-46 have been rejected. Claims 31 and 36 have been cancelled. As such, claims 1-30, 32-35, and 37-50 are currently pending.

Claims 11, 25, and 47 have been amended to correct inconsistencies. Claims 1, 11, 16, 21, 25, 30, 35, 40, 44, and 47 have been amended to spell out acronyms the first time the acronyms are used in a claim set. Claims 5, 8, 9, 14-16, 20-22, 24, 29, 34, 35, 37, 39, 44, 45, and 50 have been amended to correct inconsistencies in antecedent basis. Claim 7 has been amended for clarity. Claim 30 has been amended to correct a punctuation error, and to recite the limitations recited in now-cancelled claim 31. Claims 32 to 34 have been amended to depend from claim 30. Claim 35 has been amended to include the limitations of claim 36, which is now cancelled.

Drawings

The Examiner has objected to Figs. 1-3 for not being designated by a legend such as – Prior Art--. In a sincere effort to address the Examiner's objections, the Applicants are submitting proposed drawings corrections, as well as replacement sheets, for Figs. 1-3 with the filing of this amendment.

Specification

The Examiner has objected to the disclosure for having informalities, and as requested that the status of U.S. patent applications listed on page 1 at lines 6-24 be corrected. In response to the Examiner's objections, the Applicants have updated the information listed on page 1 at lines 6-24.

The claims have been objected to because the first lines of pages 23-35 of the instant application are too close to the top of the page, making reading difficult. In response to this objection, substitute claim pages are being submitted with the filing of this amendment.

Claim Objections

Claims 1-6, 8, 14, and 30 have been objected to because of informalities. In response to the Examiner's objections, claims 1, 5, 8, 14, and 30 have been amended.

Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 8, 9, 15-20, 22, 24, 29, 33-39, 44-46, and 50 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. In a sincere effort to overcome the Examiner's rejections, claims 8, 9, 15, 16, 20, 22, 24, 29, 34, 35, 37, 39, 44, 45, and 50 have been amended.

It is noted that although claim 20 has been amended to recite "said STS circuit connection," contrary to the Examiner's assertion that "said STS-1" circuit lacks clear antecedent basis, "a STS-1 circuit" is first recited in claim 20. As such, it is believed that the subsequent reference to "said STS-1 circuit" does not lack antecedent basis.

Rejections Under the Judicially Created Doctrine of Obviousness-Type Double Patenting

Claims 1, 6, 11, 16, 25, 40, and 43 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No.

6,697,856. In an effort to expedite the prosecution of the instant application, a terminal disclaimer in compliance with 37 CFR 1.321(c) is being filed with the filing of this amendment, as Cisco Technology, Inc., is the Assignee of record for U.S. Patent No. 6,697,856, and an Assignment to Cisco Technology, Inc. was recorded with the U.S. Patent and Trademark Office on October 20, 2000 in the instant application.

Claim 35 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,587,470. In an effort to expedite the prosecution of the instant application, claim 35 has been amended to include the limitations of now-cancelled claim 36, which the Examiner has identified as containing allowable subject matter.

The Applicants note that according to M.P.E.P Section 804.02, the filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.”

Rejections Under 35 U.S.C. § 102

The Examiner has rejected claim 30 under 35 U.S.C. § 102(b) as being anticipated by Lu (U.S. Patent No. 5,412,652). In light of the amendments made to claim 30, it is believed that the Examiner’s rejection of claim 30 under 35 U.S.C. § 102(b) is now moot.

Allowable Subject Matter

The Examiner has allowed claims 7, 10, 21, 23, and 47-50, and has indicated that claims 44-46 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action dated August 5, 2004. As the Examiner's rejections have been addressed as set forth above, claims 44-46 are now believed to be allowable.

The Examiner has indicated that claims 2-5, 8, 9, 13, 14, 17-20, 22, 24, 26-29, 31-34, 36-39, 41, and 42 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in the Office Action dated August 5, 2004 and to include all of the limitations of their respective base claims and any intervening claims.

While the Applicants have rewritten appropriate ones of claims 2-5, 8, 9, 13, 14, 17-20, 22, 24, 26-29, 31-34, 36-39, 41, and 42 to overcome the rejections under 35 U.S.C. § 112, second paragraph, at this time, the Applicants have elected not to rewrite the dependent claims in independent form. Instead, at this time, the Applicants have chosen only to rewrite claim 30 to include the limitation of now-cancelled claim 31 and claim 35 to include the limitation of now-cancelled claim 36, and to amend the dependencies of claims 32-34 to depend from claim 30. As such, it is believed that claims 30, 32-34, 35, and 37-39 are now allowable.

Conclusion

For at least the foregoing reasons, the Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8690.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peggy A. Su".

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